

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:) CASE NO.: 23-11275-MDC
)
Shawn D. Gardiner,)
)
Debtor) CHAPTER 13

**OBJECTION OF CAPITAL ONE AUTO FINANCE,
A DIVISION OF CAPITAL ONE, N.A.**
TO CONFIRMATION OF DEBTOR'S PROPOSED FOURTH AMENDED PLAN

Capital One Auto Finance, a division of Capital One, N.A. ("COAF"), by and through its attorneys, Lavin, Cedrone, Graver, Boyd & DiSipio, files **Objection to Confirmation of Debtor's Proposed Fourth Amended Plan** and states:

1. On March 24, 2018, Debtor Shawn D. Gardiner, entered into a Retail Installment Sales Contract in the principal amount of \$25,041.00 (the "Contract") that referred and related to the purchase of a 2014 AUDI A5 Coupe 2D Premium Plus AWD 2.0L I4 Turbo Auto, V.I.N. WAULFAFR8EA060954 (the "Motor Vehicle").
2. COAF is the assignee of the Contract.
3. To secure the Contract, Debtor Shawn D. Gardiner granted a first lien on the Motor Vehicle in favor of COAF.
4. On May 01, 2023, Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
5. On January 24, 2024, Debtor filed a Proposed Fourth Amended Plan (the "Plan").
6. The Chapter 13 Trustee has scheduled a Meeting of Creditors for August 28, 2023.
7. The plan lists the amount of the claim at \$8,271.05 at 8.10% interest.
8. As of the May 01, 2023, the balance on Capital One Auto Finance, a division of Capital One, N.A. Total claim was \$11,158.71.
9. The fair market value for the Motor Vehicle is \$13,975.00. See attached Exhibit C.
10. COAF is entitled to a secured claim of \$9,876.97 over the life of the plan.

11. For the foregoing reasons, COAF objects to confirmation of the Plan.

WHEREFORE **Capital One Auto Finance, a division of Capital One, N.A.**, respectfully requests this Honorable Court to deny confirmation of the Plan.

Respectfully submitted,

Lavin, Cedrone, Graver, Boyd & DiSipio

BY: /s/ Regina Cohen

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Dated: February 14, 2024